

VIRGINIA STATE CRIME COMMISSION

2018 Annual Report: *Sex Trafficking in Virginia*



Sex Trafficking in Virginia

Executive Summary

During the Regular Session of the 2018 General Assembly, the House Courts of Justice Committee referred House Bills 962 (expungement of prostitution convictions) and 984 (prostitution by minors) for study by the Crime Commission.¹ The Executive Committee of the Crime Commission requested that staff conduct a broad review of commercial sex trafficking in Virginia. Staff performed the following activities in order to accomplish this directive:

- Reviewed existing Virginia and federal law;
- Examined relevant literature and reports;
- Requested and analyzed arrest, charge, and conviction data from a variety of sources;
- Conducted an informal survey of directors of Court Service Unit directors;
- Attended various conferences and trainings; and,
- Consulted with practitioners, subject-matter experts, advocates, and victims.

For purposes of this study, staff used the definitions relating to commercial sex trafficking contained in the federal Victims of Trafficking and Violence Protection Act of 2000.² Sex trafficking is defined as “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.”³ A commercial sex act is “any sex act on account of which anything of value is given to or received by any person.”⁴ Commercial sex trafficking does not involve consenting victims or consensual sexual acts.

The commercial sex industry involves the following key components: trafficked persons (victims, traffickers, and sex buyers). There is no one single profile of a victim, trafficker, or sex buyer in the commercial sex industry. While victims come from varying backgrounds and span all demographics, certain circumstances and conditions can make an individual more at risk for exploitation by a trafficker.

In conducting a broad review of commercial sex trafficking in Virginia, staff found that:

- Efforts are being made to address commercial sex trafficking;
- Commercial sex trafficking is a serious problem, but the full scope of the problem is difficult to determine;
- Data on the extent of commercial sex trafficking is not readily available;
- Commercial sex is a lucrative industry;
- Commercial sex trafficking intersects with numerous other problems facing Virginia;
- The traditional criminal justice response to commercial sex trafficking is not apprehending traffickers or serving the needs of victims;
- Identifying victims of commercial sex trafficking is difficult and measures must be implemented to enhance such identifications;
- Resources for victims of commercial sex trafficking are limited;

- Confusion exists in regard to the role and duties of local social services departments when a child is identified as a victim of sex trafficking;
- Measures have not consistently been taken to address the demand side of the commercial sex industry;
- Few juveniles are charged with or adjudicated delinquent of prostitution; and,
- Combating commercial sex trafficking requires a proactive, collaborative, and multi-disciplinary approach.

Crime Commission members reviewed study findings at the October meeting and unanimously endorsed all eleven recommendations from staff at the December meeting. Crime Commission members were also presented with three policy decision options. No motions were made on Policy Decision Options 1 or 3. Policy Decision Option 2 was defeated by a majority vote of the Commission.

Recommendation 1: Amend Virginia Code §§ 63.2-1506, 63.2-1508, and 63.2-1517 to:

- clarify that sex traffickers do not need to be a victim's parent or other caretaker in order to initiate Department of Social Services (DSS) involvement;
- allow DSS to take emergency custody of children who are victims of sex trafficking;
- require DSS to conduct a family assessment when a juvenile sex trafficking victim is identified; and,
- clarify the jurisdiction of local DSS agencies.

A new sex trafficking assessment to be conducted by local social services departments was enacted as a result of this recommendation (Va. Code § 1506.1).

Recommendation 2: Amend Virginia Code § 18.2-357.1 to authorize charging sex traffickers for each individual act of commercial sex trafficking.

Recommendation 3: Amend Virginia Code §§ 18.2-348 and 18.2-349 to increase penalties for aiding in prostitution or using a vehicle to promote prostitution when the victim is a minor. Additionally, amend Virginia Code §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-513, 19.2-215.1, and 19.2-392.02 to provide consistency amongst felony commercial sex trafficking offenses in the sex offender registration, violent felony offense definition, gang offenses, racketeering offenses, multi-jurisdictional grand jury, and barrier crimes statutes.

Recommendation 4: Amend Virginia Code §§ 18.2-346, 18.2-348, and 18.2-356 to prohibit manual stimulation of another's genitals (e.g., acts of prostitution involving sexual touching but not penetration).

Recommendation 5: Enact Virginia Code § 9.1-116.5 to create a statewide Sex Trafficking Response Coordinator position at the Virginia Department of Criminal Justice Services (DCJS) with statutorily defined duties and responsibilities.

Recommendation 6: Amend Virginia Code § 19.2-368.3 to require the Criminal Injuries Compensation Fund (Virginia Victims Fund) to develop policies for the

investigation and consideration of claims by sex trafficking victims for reimbursement of medical care and other expenses. This recommendation was addressed by sending a letter request.

Recommendation 7: Enact Virginia Code §§ 9.1-116.4, 16.1-69.48:6 and 17.1-275.13 to create a Virginia Prevention of Sex Trafficking Fund administered by DCJS to promote training, education, and awareness related to sex trafficking.

Recommendation 8: Amend Virginia Code § 18.2-67.9 to allow certain juvenile sex trafficking victims and witnesses to testify via two-way closed-circuit television under existing rules.

Recommendation 9: Request that DCJS Committee on Training establish compulsory minimum entry-level, in-service, and advanced training standards for law enforcement officers on the awareness and identification of sex trafficking.

Recommendation 10: Request that DCJS continue to allocate a portion of the Victims of Crime Act (VOCA) funding for treatment and services for victims of sex trafficking.

Recommendation 11: Direct Crime Commission staff to continue work on this study for an additional year to consult with stakeholders, examine further areas of concern, and identify potential solutions.

Policy Decision Option 1: Endorse House Bill 984 (Del. David E. Yancey) to amend Virginia Code § 18.2-346 to allow a petition for a child in need of services to be substituted for a delinquency petition for a minor arrested for prostitution, if the minor is willing to participate in specialized services for those engaged in commercial sexual conduct.

Policy Decision Option 2: Endorse House Bill 962 (Del. David E. Yancey) to amend Virginia Code § 19.2-392.2 to allow a person to petition for expungement of convictions for prostitution when the person was induced to engage in prostitution through the use of force, intimidation, or deception by another.

Policy Decision Option 3: Amend Virginia Code §§ 19.2-305.1 and 19.2-368.15 to require mandatory restitution for juvenile victims of sex trafficking.

Numerous bills were introduced during the Regular Session of the 2019 General Assembly in relation to Recommendations 1, 2, 3, 4, 5, 7, and 8, which were acted upon as follows:

- Senate Bill 1661 (Sen. Mark J. Peake) and House Bill 2597 (Del. Charniele L. Herring) were enacted for Recommendation 1.⁵
- Senate Bill 1603 (Sen. Mark D. Obenshain), which addressed Recommendations 2, 3, 4, 7, and 8, was left in the Senate Committee on Finance.⁶
- House Bill 2586 (Del. Robert B. Bell) was enacted for Recommendations 2 and 3.⁷
- Senate Bill 1669 (Sen. Jill Holtzman Vogel) and House Bill 2576 (Del. Paul E. Krizek) were enacted for Recommendation 5.⁸ In addition to funding for this new

position, DCJS was also appropriated \$30,000 from the general fund for the costs of developing a curriculum for persons convicted of solicitation of prostitution.⁹

- House Bill 2651 (Del. David E. Yancey) was enacted for Recommendation 7.¹⁰
- House Bill 2464 (Del. Christopher E. Collins) was enacted for Recommendation 8.¹¹

Additionally, the Crime Commission sent letters to the following agencies and entities requesting that administrative action be taken in relation to Recommendations 6, 9, and 10:

- Criminal Injuries Compensation Fund (Recommendation 6);¹² and,
- Virginia Department of Criminal Justice Services (Recommendations 9 and 10).

Finally, as part of Recommendation 11, the Crime Commission sent letters to the following agencies and entities requesting that training be provided in regard to sex trafficking and the demand for commercial sex:

- Commonwealth's Attorneys' Services Council;
- Indigent Defense Commission;
- Office of the Executive Secretary of the Supreme Court of Virginia;
- Virginia Association of Chiefs of Police & Foundation, Inc.;
- Virginia Department of Education;
- Virginia Department of Juvenile Justice;
- Virginia Department of Social Services; and,
- Virginia Sheriffs' Association.

Overview of Commercial Sex Trafficking

DEFINING COMMERCIAL SEX TRAFFICKING

While the Virginia Code contains a provision relating to commercial sex trafficking and prostitution, the Code does not specifically define “commercial sex trafficking.”¹³ For purposes of this study, staff used the definitions relating to commercial sex trafficking that are contained in the federal Victims of Trafficking and Violence Protection Act of 2000.¹⁴ The following key terms are defined in that Act as follows:

- Commercial sex act: “any sex act on account of which anything of value is given to or received by any person”;¹⁵
- Severe forms of trafficking in persons: “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age”;¹⁶ and,
- Sex trafficking: “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.”¹⁷

Commercial sex trafficking does not involve consenting victims or consensual sexual acts. It is important to note that not every person who engages in a commercial sex act is forced, coerced, or enticed to participate in such an act against their will. Some individuals voluntarily choose to engage in these activities. Various entities and organizations exist which advocate for these sex workers' rights.¹⁸ Due to the dynamics of the commercial

sex industry, individuals may fluctuate between involuntary and deliberate participation in the industry at different times.¹⁹

COMMERCIAL SEX TRAFFICKING TRENDS

The commercial sex industry involves the following key components:

- Trafficked Person/Victim:²⁰ engages in sex acts in exchange for some item of value;²¹
- Trafficker: exhibits some form of control over the victim and receives at least some portion of the item of value provided in exchange for the sex acts performed by that victim; and,
- Sex Buyer: provides some item of value in exchange for a sex act.

Commercial Sex Industry



Credit: Benjamin Gauen, King County, WA - Prosecuting Attorney's Office

It is important to note that there is no one single profile of a victim, trafficker, or sex buyer in the commercial sex industry; however, there are some general trends that can be observed. Before discussing the overall trends related to commercial sex trafficking, it should be emphasized that the discussion within this report is only a summary of the overall trends and patterns of the industry, rather than an exhaustive discussion. Although commercial sex trafficking can be difficult to define and measure, a great deal of research and collateral subject matter exists.

Victims

There is no stereotypical profile for a victim of sex trafficking.²² Victims come from varying backgrounds and may be targeted “regardless of race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity, socioeconomic status, education level, or citizenship status.”²³ Traffickers will frequently prey on a victim’s desire for love, hope, and a sense of belonging.²⁴

While victimization spans all demographics, certain circumstances and conditions can make individuals more susceptible to exploitation. Traffickers frequently target vulnerable populations, such as runaway and homeless youth, foreign nationals, individuals with a history of domestic, sexual, or emotional abuse, persons with dysfunctional families, low self-esteem, or drug dependence, and people of lower socioeconomic status.²⁵ Runaway and homeless youth, along with foreign nationals, are particularly vulnerable to becoming victims because they lack a strong support system and often find themselves in unfamiliar environments.²⁶

Victims often do not identify themselves as victims or realize that they are being trafficked.²⁷ Victims may form an emotional and/or psychological bond (“trauma bond”) with their trafficker due to the manipulative or coercive tactics used by that trafficker.²⁸ Furthermore, victims may exhibit other indicators (e.g., running away from home, delinquent behavior, truancy, mental health issues, drug addiction) that are not immediately linked to sex trafficking.²⁹ These factors pose significant challenges when attempting to determine whether a person is a victim of sex trafficking. As a result, victims are not easily identified and the criminal justice system often treats the victims as criminals.³⁰

It typically takes a victim numerous attempts to successfully leave the commercial sex industry due to a multitude of challenges, such as lack of support structure, limited basic life skills, lack of an education, a criminal record, difficulty securing housing or employment, mental health conditions, and health issues.³¹

Victims typically require various resources and services in order to successfully leave the commercial sex industry.³² Victims may suffer from mental health conditions such as post-traumatic stress disorder, depression, disassociation, bi-polar disorder, suicidal ideation, and personality disorders.³³ Furthermore, medical conditions that a victim may suffer include, but are not limited to, back or pelvic pain, gynecological problems (e.g., sexually transmitted infections, complications from unplanned pregnancies, unsafe abortions), broken bones, head trauma, dental problems, and substance abuse or dependency.³⁴ Victims often need a wide variety of resources and services, such as shelter, clothing, an assessment of needs, medical care, rehabilitative counseling, and advocates to help them navigate the court system.³⁵ Each sex trafficking case is unique; therefore, resources and services should be tailored to fit the individual needs of the particular victim.³⁶

Traffickers

Staff identified three general categories of traffickers that exist in the commercial sex industry: pimps,³⁷ gangs,³⁸ and family members.³⁹ The means by which a victim is recruited into the commercial sex industry often varies based upon the type of trafficker; however, similarities exist in terms of how these traffickers exploit and control their victims.

Recruitment techniques vary depending on the potential victim’s age, the method of manipulation, and the trafficker’s recruiting style. The recruitment technique utilized by

a trafficker will often be based on a variety of factors, such as the trafficker's level of social intelligence and criminal sophistication.⁴⁰

Recruitment of victims occurs in urban, suburban, rural, and online settings.⁴¹ Traffickers will target a variety of locations, such as schools (middle or high), courthouses, foster care and group homes, bus stations, shelters, bars, restaurants, shopping malls, and social media sites, in their efforts to locate and recruit potential victims.⁴² A common recruiting technique utilized by traffickers involves using observations of or communications with the victim to determine that victim's vulnerabilities, and then exploiting those vulnerabilities to induce that victim into the commercial sex industry. For example, a trafficker may promise to provide money, stable housing, travel to exciting locations, clothes, or other items that the victim may need or want.⁴³

Once a victim has been recruited into the commercial sex industry, traffickers will use tactics that exert the most effective control over that victim; in some instances, the manipulation may not need to be any more than providing a solution to a victim's problem (e.g., affection, housing, food, etc.).⁴⁴ Mechanisms of control used by traffickers include, but are not limited to, social isolation, emotional needs (e.g., love, family), restriction of movement, substance dependency, threats and verbal manipulation, physical abuse, controlling of money and/or creation of debt, withholding of important documentation (e.g., passport, driver's license, other identification documents), other means of violence, and tattooing or branding.⁴⁵ Staff also determined through anecdotal evidence that traffickers may use children that they have in common with the victim as another means of leveraging control over that victim.

Sex Buyers

The level of demand for commercial sex is difficult to quantify due to the characteristics of the industry and the variances in preferences amongst sex buyers.⁴⁶ Research has identified numerous motivations for sex buyers.⁴⁷ For instance, a national overview of prostitution and sex trafficking demand reduction efforts five primary motivations for men who purchase sex from existing literature, including:

"(1) seeking intimacy (i.e., a way to approximate intimate relationships they are unable or unwilling to develop); (2) seeking sex without intimacy (a way to get sex without the investment and compromises needed for intimate relationships); (3) seeking variety (fulfilling a desire for sex with women of various "types," based on ethnicity, size, age, hair color, etc.), (4) thrill-seeking (being drawn by the "thrill of the hunt" and the illicit nature of prostitution); and (5) pathology (drawn by compulsion, addiction, or by forms of sociopathy, psychology, or misogyny where the intent is to control and harm)."⁴⁸

Other research has focused on sex buyers who specifically purchase sex with minors.⁴⁹ One literature review identified three categories of such sex buyers, including (1) situational buyers who purchase sex due to availability, (2) preferential buyers who specifically seek out sex with minors, and (3) opportunistic buyers who purchase sex indiscriminately without regard to age."⁵⁰

While research on sex buyers has been limited over the years, recent studies have begun to focus on the buyer population. The majority of this research has focused on heterosexual interactions (men buying women) and therefore much of the data reported is in relation to male buyers.⁵¹ These male buyers are commonly between the ages of 30 to 40.⁵² While household incomes of buyers tends to vary, the “high-frequency” buyers often report incomes between the middle and high income tax brackets.⁵³ Locations where sex buyers commonly purchase sex include, but are not limited to, hotels, massage parlors, adult establishments, or other places where the buyers know that sex can be purchased.⁵⁴

Numerous strategies have been implemented across the country with the intent of deterring buyers, including sting operations targeting buyers, shaming, and educational programs (John schools).⁵⁵ Research on demand is limited because attempts at addressing the commercial sex industry have primarily focused on victims already in the industry and the resources and services needed for those victims.⁵⁶ Some evidence has shown that primary prevention strategies which focus on demand reduction yield better results than focusing solely on identifying victims (secondary prevention) and providing the necessary resources for victims (tertiary prevention).⁵⁷ While identifying and treating victims remains important, the purpose of primary prevention is to provide resources and education so that potential victims and sex buyers never enter the commercial sex industry. Primary prevention involves educating the general public, sex buyers, and potential sex buyers on the dynamics of sex trafficking, creating community awareness, and deterring potential buyers from purchasing sex.⁵⁸

Impact of the Internet and Technology

The internet and various online platforms allow for the near limitless recruitment of victims and the sale of sex.⁵⁹ Advances in technology have enabled the commercial sex industry to exist in urban, suburban, and rural regions amongst all socioeconomic classes.⁶⁰ Technology is utilized to facilitate recruitment, supply, and demand within the commercial sex industry. Specifically, social media platforms (e.g., Facebook, Instagram, Snapchat) allow traffickers to identify vulnerabilities and recruit potential victims, numerous websites advertise the sale of sex,⁶¹ and several message boards exist where sex buyers (who refer to themselves as “hobbyists”) anonymously discuss and share information on various aspects of the commercial sex industry.⁶²

In April 2018, federal legislation was enacted to address the use of the internet in the commercial sex industry. This legislation was a combination of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 and the Stop Enabling Sex Traffickers Act of 2017, commonly referred to as FOSTA-SESTA.⁶³ Days before this law was enacted, federal authorities seized the website Backpage.com for allegedly enabling prostitution.⁶⁴ Prior to its seizure, Backpage.com was identified as the most well-known website for the advertisement of commercial sex.⁶⁵ The effectiveness of these federal actions remains uncertain, as advertisements for sex became dispersed across various domestic and international websites and social media platforms after the passage of FOSTA-SESTA and the seizure of Backpage.com.⁶⁶

STUDY FINDINGS

As part of this comprehensive review of commercial sex trafficking in Virginia, staff performed the following activities:

- Reviewed existing Virginia and federal law;
- Examined relevant literature and reports;
- Requested and analyzed arrest, charge, and conviction data from a variety of sources;
- Conducted an informal survey of Court Service Unit directors;⁶⁷
- Attended various conferences and trainings; and,
- Consulted with practitioners, subject-matter experts, advocates, and victims.

The following sections detail staff's findings in relation to the commercial sex industry in Virginia, current efforts being made to address sex trafficking, and further actions that are necessary in order to combat the problem.

Efforts are being made to address commercial sex trafficking in Virginia.

The Virginia Code contains provisions that specifically address commercial sex trafficking and prostitution (Va. Code § 18.2-344 *et. seq.*). A new section was added to the Code in 2015 (Va. Code § 18.2-357.1) to specifically punish commercial sex traffickers.⁶⁸ Further legislation was enacted in 2018 to add certain commercial sex trafficking offenses to the list of charges for which there is a presumption against bail.⁶⁹ Separate legislation was also enacted in 2018 to require that notice of a human trafficking hotline be posted at local departments of health, rest areas along the interstates, and certain health care facilities in the Commonwealth.⁷⁰

Staff found that numerous entities across the Commonwealth are collaborating in an effort to address commercial sex trafficking; however, there is not coordination at a statewide level to bring all of these efforts together. Some of the ongoing collaborations identified by staff include:⁷¹

- Hampton Roads Human Trafficking Task Force;⁷²
- I-81 Corridor Human Trafficking Work Group;⁷³
- Northern Virginia Human Trafficking Task Force;⁷⁴
- Richmond Regional Human Trafficking Collaborative;⁷⁵ and,
- Virginia Anti-Human Trafficking Coordinating Committee;⁷⁶

Additionally, staff found that Virginia has implemented various other measures to address commercial sex trafficking, such as the:

- Virginia Board of Education approved *Guidelines for Training on the Prevention of Trafficking of Children*;⁷⁷
- Virginia Department of Social Services designed a training course for local departments of social services staff and community partners relating to human trafficking and commercial sex trafficking;⁷⁸ and,
- Linking Systems of Care for Children and Youth is developing a brief screening tool to be used across various systems to identify children who have been

victimized or exposed to violence which includes two questions related to trafficking.⁷⁹

Commercial sex trafficking is a serious problem in Virginia, but the full scope of the problem is difficult to determine.

Over the course of this study, staff consulted with numerous individuals from across Virginia who have spent years working to combat commercial sex trafficking, including law enforcement officers, prosecutors, victim assistance professionals, medical and treatment providers, advocates, social services professionals, educators and school administrators, and representatives of various other agencies and entities. Additionally, staff spoke with former victims who had become survivors of the commercial sex industry. While staff found that commercial sex trafficking is a serious problem across Virginia, it was particularly challenging to identify the full scope of the problem due to the complex dynamics of the industry, a lack of data, underreporting of the offense, difficulties in identifying victims, and a general lack of awareness of the signs of commercial sex trafficking.

Data on the extent of commercial sex trafficking in Virginia is not readily available.

One significant reason that the full scope of the commercial sex trafficking problem in Virginia cannot be identified is due to a lack of available and consistent data across the Commonwealth. Commercial sex trafficking, similar to all types of sexually-based offenses, is a highly underreported crime.⁸⁰ Due to this underreporting and the clandestine nature of sex trafficking, accurate incidence and prevalence rates are difficult to estimate.⁸¹

Data that does exist is limited by the definitions of the agency or entity maintaining such information and by the capabilities of those agencies or entities to identify victims of commercial sex trafficking.⁸² As such, staff was unable to effectively utilize the available data to assess the full extent of the commercial sex industry across Virginia.

Staff requested data on charges and convictions for commercial sex trafficking offenses from the Virginia State Police, Virginia Criminal Sentencing Commission, and Department of Juvenile Justice for FY14-FY18.⁸³ A detailed analysis of this data is contained in *Appendix 1* of this report.

Staff also received information from the Department of Social Services on the number of sex trafficking victims identified in the child welfare system.⁸⁴ The data showed that between CY15-CY17, a total of 54 victims were identified, with a breakdown by year as follows:

- 2015: 10 victims;
- 2016: 23 victims; and,
- 2017: 21 victims.⁸⁵

Commercial sex is a lucrative industry.

While the exact amount of money in the commercial sex industry is difficult to determine, a 2014 study examining eight major U.S. cities estimated that the commercial sex economy was a multi-million dollar industry in each of those cities.⁸⁶ Furthermore, traffickers often perceive involvement in commercial sex to be less risky than other criminal enterprises.⁸⁷ The large profits generated by sex trafficking, combined with the perceived low risks of arrest and prosecution of the traffickers, help to fuel the commercial sex industry.⁸⁸

Staff found that it is not uncommon for a trafficker to impose a nightly earnings quota on their victim.⁸⁹ Once a trafficker has brought a victim into the commercial sex industry, that victim may earn hundreds of dollars per night for their trafficker by engaging in sex acts. For example, a victim working six nights per week with a \$500 nightly quota would earn \$156,000 annually for their trafficker. It is important to note that victims rarely are allowed to keep their earnings; all or the majority of the money that they receive for performing sex acts must be turned over to their trafficker. Due to these high profit margins, organized crime and street gangs have turned to commercial sex trafficking as a means of generating revenue to fund their illegal activities.⁹⁰

Commercial sex trafficking intersects with numerous other problems facing Virginia.

Commercial sex trafficking does not exist in a vacuum. As described earlier in this report, a variety of concerning factors intersect within the commercial sex industry, such as:

- Child physical and sexual abuse;
- Missing or runaway youth;
- Drug addiction and the opioid crisis;
- Behavioral issues in schools;
- Juvenile delinquency and status offenses;
- Social services and foster care placement;
- Suicide;
- Mental health;
- Health care (e.g., pregnancy, sexually transmitted infections);
- Gangs; and,
- Domestic violence.⁹¹

The multitude of problems listed above can impact victims before, during, and after leaving the commercial sex industry. As noted previously in this report, risk factors such as a history of physical or sexual abuse, homelessness, running away, drug addiction, mental health issues, or time within the foster care system are common issues that individuals face before entering the commercial sex industry.⁹² Gangs and domestic violence are also significant risk factors for entry into commercial sex trafficking due to the control that gang members and domestic abusers can exert over potential victims.⁹³ Victims may engage in criminal activity or develop physical or psychological health issues while being sex trafficked. Furthermore, victims can become dependent on drugs supplied by their trafficker, or may turn to drugs as a coping mechanism to deal with being victimized.⁹⁴ The physical, mental, and behavioral issues that a victim develops while

being sex trafficked, coupled with any pre-existing conditions, is a significant reason why so many resources and services are required in order for victims to successfully leave the commercial sex industry.

The traditional criminal justice response to commercial sex trafficking is not apprehending traffickers or serving the needs of victims.

As previously noted, Virginia’s commercial sex trafficking statute (Va. Code § 18.2-357.1) was enacted in 2015.⁹⁵ Data revealed that this statute, meant to punish commercial sex traffickers, is not being utilized across the Commonwealth. Arrests were made under the new Code provision in only thirteen localities between FY16-FY18.⁹⁶ An analysis of disposition data provided by the Virginia State Police, along with charge and conviction data provided by the Virginia Criminal Sentencing Commission, showed that most arrests do not result in a conviction. For instance, 56% (224 of 397) of the arrests made between FY16-FY18 resulted in a *nolle prosequi* (i.e., withdrawal) of the charge.⁹⁷ During this time period, one locality accounted for the large majority of arrests under the commercial sex trafficking statute each fiscal year, and consequently brought forth charges most frequently in its circuit and district courts.⁹⁸

Staff further found that while intervention from the criminal justice system may temporarily remove a victim from the commercial sex industry, such intervention alone does not prevent that victim from re-entering the industry, nor does it provide that victim with the resources or services needed to leave the industry.⁹⁹ Without any other forms of intervention, the traditional criminal justice response often leads to victims being charged with prostitution, which is a Class 1 misdemeanor,¹⁰⁰ and treated as criminals by the justice system.

Identifying victims of commercial sex trafficking is difficult and measures must be implemented to enhance such identifications.

As noted earlier in this report, victims of commercial sex trafficking often do not self-identify as being a victim or realize that they are being trafficked. Additionally, such victims may exhibit indicators or behaviors (e.g, running away from home, delinquent behavior, truancy, mental health issues, drug addiction) that are not immediately associated with sex trafficking. Identifying victims of commercial sex trafficking can be difficult because of these factors.

Staff found that agencies and entities in various localities and regions across the Commonwealth have focused on promoting the awareness and identification of commercial sex trafficking; however, those efforts were scattered and no plan existed to promote awareness and identification statewide. In order to effectively combat sex trafficking, education and training must be provided to numerous individuals (i.e., law enforcement officers, prosecutors, judges, criminal defense attorneys, guardians *ad litem*, probation and correctional officers, educators and school administrators, social services professionals, medical and treatment providers, mental health counselors, members of the general public) so that they understand the dynamics of the commercial sex industry and are better able to recognize signs of trafficking, such as:

- Disconnection from family, friends, and community or religious organizations;

- Absence from school;
- Sudden or dramatic change in behavior;
- Appearance of being denied food, water, sleep, or medical care;
- Lack of freedom of movement;
- Limited personal possessions; and/or,
- Unstable living situation.¹⁰¹

In addition to training efforts, screening tools can be utilized across various systems (e.g., courts, education, social services, medical, and private entities) to assist with identifying victims. Numerous screening tools have already been developed for the purpose of identifying victims of commercial sex trafficking.¹⁰² While some of these tools are being used in various systems in Virginia, no standardized tool has been developed for use across the Commonwealth.¹⁰³ There is currently a project underway in Virginia (Linking Systems of Care for Children and Youth) to identify child victims of crime and to address the consequences of that exposure to criminal activity.¹⁰⁴ This project includes the development of a brief screening tool to be used across various systems to identify children who have been victimized or exposed to violence.¹⁰⁵ The screening tool will include two questions relating to trafficking that will trigger a further assessment if trafficking is indicated.¹⁰⁶

Resources for victims of commercial sex trafficking are limited in Virginia.

Victims often suffer from multiple forms of trauma and require significant resources and services in order to successfully leave the commercial sex industry. Staff determined that few programs exist in Virginia to provide services (e.g., shelter, an assessment of needs, medical care, rehabilitative counseling, and advocacy services) specifically for adult victims of commercial sex trafficking.¹⁰⁷ Furthermore, staff identified only one residential program in Virginia that provides such services to juvenile victims.¹⁰⁸ This lack of resources can contribute to victims of commercial sex trafficking being directed into the criminal justice system as a means to provide some form of services.

Confusion exists in regard to the role and duties of local social services departments when a child is identified as a victim of sex trafficking.

Staff found that two primary areas of confusion existed in the field in regard to the role and duties of local social services departments in addressing commercial sex trafficking. First, interpretations varied as to whether the Virginia Code allowed such agencies to intervene when the child was a victim of sex trafficking, but the trafficker was not the child's parent or other caretaker. Second, even if such agencies chose to intervene, existing law did not specifically identify what type of response was permitted or required.

During the Regular Session of the 2016 General Assembly, legislation was enacted to include victims of sex trafficking or severe forms of sex trafficking in the definition of an "abused or neglected child."¹⁰⁹ While this legislation amended that definition, no corresponding changes were made to the Code provision that sets forth the criteria for a valid report or complaint to initiate social services involvement in the matter.¹¹⁰ In order for a report or complaint to be valid, the alleged abuser must be the "child's parent or other caretaker."¹¹¹ Staff found that the Virginia Code was unclear as to whether a non-

parental sex trafficker constituted an “other caretaker” for purposes of establishing such a valid report or complaint.

Staff further determined that even if a local social services department found the report or complaint relating to a non-parental sex trafficker to be valid, the Virginia Code was still unclear as to what type of response was permitted or required. Under existing law prior to July 1, 2019, there were two types of actions that a local social services department could take if a complaint or report was found to be valid: an investigation¹¹² or a family assessment.¹¹³ The investigation option posed challenges because investigating the non-parental sex trafficker seemed to be a more appropriate function for law enforcement than for social services. Furthermore, the family assessment option could be an intrusive process in instances where the family had no knowledge of or involvement in the sex trafficking.

Measures have not consistently been taken to address the demand side of the commercial sex industry across Virginia.

As part of a multi-disciplinary collaborative approach to combatting commercial sex trafficking in Virginia, the demand side of the industry must be targeted in order to deter the purchase of sex, hold sex buyers accountable, and educate sex buyers on the impact of the industry on its victims. While efforts to address commercial sex trafficking frequently focus on victims and traffickers, minimal attention has been centered on the demand side of the commercial sex industry. Staff found that some law enforcement agencies in Virginia will occasionally conduct operations targeting sex buyers.¹¹⁴ Staff further discovered that some localities currently have, or previously had, programs meant to educate sex buyers on the dynamics of the commercial sex industry and the impacts to its victims (John schools).¹¹⁵ These programs are meant to serve as a deterrent by educating sex buyers on the dynamics of the commercial sex industry. Particular emphasis is placed on explaining to sex buyers that the person from whom they are buying sex may be a victim of trafficking as opposed to a consenting participant in the sex act.

Few juveniles are charged with or adjudicated delinquent of prostitution in Virginia.

During this study, concerns were raised about juveniles being charged with prostitution in Virginia. Staff requested data from the Department of Juvenile Justice and ultimately discovered that few juveniles are charged with prostitution and even fewer are adjudicated delinquent of that offense.

Between FY14-FY18, there were a total of 17 juvenile intakes for the charge of prostitution (Virginia Code § 18.2-346).¹¹⁶ During that timeframe, only two of the juvenile intakes resulted in an adjudication of delinquency and another three had a deferred/withheld finding.¹¹⁷

It is important to note that while few juveniles are charged with prostitution in Virginia, this does not mean that juveniles are not being victimized in the commercial sex industry. While criminal charges are rarely pursued against a juveniles engaged in prostitution in Virginia, both law enforcement officers and prosecutors noted that such criminal charges

can be a valuable tool in certain circumstances to safely remove a juvenile from immediate danger and to utilize resources within the court system to provide treatment and services to that juvenile. Additionally, research indicates that juvenile victims of commercial sex trafficking can enter the court system on other types of criminal charges (e.g., drug possession or larceny) or status offenses (e.g., truancy or curfew violations) that may not appear to be related to sex trafficking.¹¹⁸ Furthermore, staff heard from a victim of sex trafficking that it is not uncommon for traffickers to provide juvenile victims with false identifying information (names and dates of birth) in the hopes that those victims will be released, instead of processed into the juvenile court system, if they come into contact with law enforcement.¹¹⁹

Combating commercial sex trafficking requires a proactive, collaborative, and multi-disciplinary approach.

In order to effectively combat commercial sex trafficking in Virginia, various systems (e.g., courts, education, social services, medical, and private entities) across the Commonwealth must share information and resources to:

- Identify and intervene with at-risk youth;
- Increase awareness, education, and training;
- Identify, recover, and treat victims; and,
- Reduce recruitment and demand.

Several other states, such as Colorado,¹²⁰ Florida,¹²¹ Minnesota,¹²² Ohio,¹²³ and Texas,¹²⁴ have adopted a multi-disciplinary approach. Furthermore, staff identified Maryland,¹²⁵ Minnesota,¹²⁶ Ohio,¹²⁷ and Texas,¹²⁸ as states that have designated an individual to facilitate the coordination of this multi-system response. These states involve a variety of entities in order to combat commercial sex trafficking including, but not limited to, law enforcement agencies, prosecutors, legal aid, social services, advocates, departments of agriculture, health, juvenile justice, and education, and faith-based organizations.

Virginia must adopt a proactive, collaborative, and multi-disciplinary approach in order to promote awareness and share resources across systems so that the root causes of commercial sex trafficking can be addressed. This approach must focus on all three aspects of the commercial sex industry: victims, traffickers, and sex buyers. At-risk youth need to be identified before they are recruited into the industry. Numerous individuals must receive training, and screening tools need to be developed and implemented, in order to identify victims and provide them with the resources and services necessary to leave the industry. The criminal justice system must punish traffickers and sex buyers for their illicit activities while simultaneously being cognizant of why victims may engage in criminal activity. Furthermore, sex buyers must be deterred from purchasing commercial sex both through criminal sanctions and educational programming on the dynamics of the commercial sex industry and its impact on victims.

Recommendations

Crime Commission members unanimously endorsed all eleven recommendations provided by staff to combat commercial sex trafficking in Virginia. Crime Commission

members were also presented with three policy decision options. No motions were made on Policy Decision Options 1 or 3. Policy Decision Option 2 was defeated by a majority vote of the Commission.

Recommendation 1: Amend Virginia Code §§ 63.2-1506, 63.2-1508, and 63.2-1517 to:

- clarify that sex traffickers do not need to be a victim’s parent or other caretaker in order to initiate Department of Social Services (DSS) involvement;
- allow DSS to take emergency custody of children who are victims of sex trafficking;
- require DSS to conduct a family assessment when a juvenile sex trafficking victim is identified; and,
- clarify the jurisdiction of local DSS agencies.

Staff found that confusion existed in regard to the role and duties of local social services departments when a child was identified as a victim of sex trafficking. This recommendation was meant to clarify that confusion and provide guidance to local social services departments on how to respond when a child is identified as a victim of sex trafficking, but the trafficker is not that child’s parent or other caretaker.

Senate Bill 1661 (Sen. Mark J. Peake) and House Bill 2597 (Del. Charniele L. Herring) were enacted during the Regular Session of the 2019 General Assembly to address this recommendation.¹²⁹ These bills accomplish the following key measures:

- Clarify that a sex trafficker does not need to be the trafficked child’s parent or other caretaker in order for there to be a valid report or complaint that initiates social services involvement in the matter (Va. Code § 63.2-1508);
- Create a sex trafficking assessment which local social services departments must conduct if a child is identified as a victim of sex trafficking (Va. Code § 63.2-1506.1);
- Mandate that local social services departments work jointly to complete the sex trafficking assessment if the trafficked child resides in a jurisdiction other than the location in which the valid report or complaint was received (Va. Code § 63.2-1506.1);
- Allow local social services departments to take emergency custody of children recovered from sex trafficking for up to 72 hours (Va. Code § 63.2-1517); and,
- Require local social services departments to notify the Child Protective Services Unit within DSS whenever a child is taken into custody as a result of sex trafficking and whenever a sex trafficking assessment is conducted (Va. Code §§ 63.2-1506.1 and 63.2-1517).

Recommendation 2: Amend Virginia Code § 18.2-357.1 to authorize charging sex traffickers for each individual act of commercial sex trafficking.

Staff noted that some ambiguity existed in relation to Virginia’s commercial sex trafficking statute.¹³⁰ Some stakeholders interpreted the statute as allowing for a trafficker to be charged with each individual act of commercial sex trafficking. Other stakeholders viewed the statute as similar to the “single larceny doctrine”,¹³¹ with multiple acts of commercial sex trafficking constituting one common scheme. This

recommendation clarifies that a trafficker can be charged with each individual act of commercial sex trafficking.

The punishment for commercial sex trafficking varies based upon multiple factors. If the trafficker recruits or encourages a person to engage in prostitution with the intent of receiving money or some other item of value as a result of that prostitution, he is guilty of a Class 5 felony.¹³² If the trafficker uses force, threats, or deception in order to accomplish these acts, he is guilty of a Class 4 felony.¹³³ If the trafficker is an adult and the person engaging in prostitution is a minor, the trafficker is guilty of a Class 3 felony regardless of whether or not force, threats, or deception were used.¹³⁴

House Bill 2586 (Del. Robert B. Bell) was enacted during the Regular Session of the 2019 General Assembly to address this recommendation.¹³⁵

Recommendation 3: Amend Virginia Code §§ 18.2-348 and 18.2-349 to increase penalties for aiding in prostitution and using a vehicle to promote prostitution when the victim is a minor. Additionally, amend Virginia Code §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-513, 19.2-215.1, and 19.2-392.02 to provide consistency amongst felony commercial sex trafficking offenses in the sex offender registration, violent felony offense definition, gang offenses, racketeering offenses, multi-jurisdictional grand jury, and barrier crimes statutes.

Staff observed that while several criminal statutes relating to commercial sex trafficking contained enhanced penalties if the victim was a minor (Va. Code §§ 18.2-346(B), 18.2-355, 18.2-356, 18.2-357, 18.2-357.1), certain other criminal statutes did not contain such provisions (Va. Code §§ 18.2-347, 18.2-348, and 18.2-349). This recommendation codifies a policy decision that penalties for commercial sex trafficking should be more severe if the victim is a minor and the offender is an adult.

House Bill 2586 (Del. Robert B. Bell) was enacted during the Regular Session of the 2019 General Assembly to address this recommendation by:¹³⁶

- Increasing the penalty for aiding in prostitution (Va. Code § 18.2-348) and using a vehicle to promote prostitution (Va. Code § 18.2-349) from a Class 1 misdemeanor to a Class 6 felony when the victim is a minor and the offender is an adult; and,
- Amending several other Code sections to provide consistency amongst sex trafficking offenses, including the sex offender registry, violent felony offense classification, criminal street gang definition, racketeering activity definition, multi-jurisdictional grand jury, and barrier crimes.¹³⁷

It is important to note that the criminal penalty for keeping, residing in, or frequenting a bawdy place (Va. Code § 18.2-347) was not amended by this legislation. Staff intentionally did not include that Code section in this recommendation due to concerns that victims of commercial sex trafficking may be inadvertently impacted by such increased penalties.

Recommendation 4: Amend Virginia Code §§ 18.2-346, 18.2-348, and 18.2-356 to prohibit manual stimulation of another's genitals (e.g., acts of prostitution involving sexual touching but not penetration).

The current Virginia Code provision which punishes prostitution and solicitation of prostitution (Va. Code § 18.2-346) prohibits sexual acts involving penetration but not acts involving touching. Numerous stakeholders communicated to staff that this distinction inhibits law enforcement investigations into establishments where sexual acts that only involve touching are performed. Furthermore, because sex acts involving touching are not criminalized, the individuals operating these establishments cannot be charged with commercial sex trafficking.

Legislation was introduced as part an omnibus bill (Senate Bill 1603 – Sen. Mark D. Obenshain) during the Regular Session of the 2019 General Assembly to address this recommendation. That bill was left in the Senate Committee on Finance.¹³⁸

Recommendation 5: Enact Virginia Code § 9.1-116.5 to create a statewide Sex Trafficking Response Coordinator position at DCJS with statutorily defined duties and responsibilities.

Staff found that various localities and agencies in Virginia are engaging in collaborative efforts to combat commercial sex trafficking; however, there is not a centralized point-of-contact at the state level or a statewide response plan. As noted earlier in the report, various states have adopted a multi-collaborative approach to address commercial sex trafficking and have designated an individual to facilitate the coordination of this response. Staff proposed the creation of a statewide coordinator position in Virginia that will serve as a centralized point-of-contact to develop and facilitate connections between various stakeholders, such as law enforcement agencies, prosecutors, courts, victim-witness advocates, schools, social services, treatment providers, and other stakeholders to address commercial sex trafficking.

Senate Bill 1669 (Sen. Jill Holtzman Vogel) and House Bill 2576 (Del. Paul E. Krizek) were enacted during the Regular Session of the 2019 General Assembly to address this recommendation.¹³⁹ These bills require the Coordinator to perform the following duties:

- Create a statewide response plan for when a victim of sex trafficking is identified;
- Coordinate the development of guidelines and standards for treatment programs for victims of sex trafficking;
- Maintain a list of treatment programs for victims of sex trafficking;
- Oversee the development of a curriculum for persons convicted of solicitation of prostitution;
- Promote education, training, and awareness of sex trafficking and demand-reduction strategies; and,
- File an annual report with the Governor and General Assembly including the year's activities and any additional recommendations to address sex trafficking.

In addition to funding for this new position, DCJS was also appropriated \$30,000 from the general fund for the costs of developing a curriculum for persons convicted of solicitation of prostitution.¹⁴⁰

Recommendation 6: Amend Virginia Code § 19.2-368.3 to require the Criminal Injuries Compensation Fund (Virginia Victims Fund) to develop policies for the investigation and consideration of claims by sex trafficking victims for reimbursement of medical care and other expenses.

Staff noted that the Virginia Code prohibits persons from being awarded claims by the Virginia Victims Fund if they were criminally responsible for the crime upon which the claim was based.¹⁴¹ This was of particular concern because victims of commercial sex trafficking are frequently charged with the criminal offense of prostitution or related offenses. This recommendation would have required the Virginia Victims Fund to develop specific policies and procedures for claims filed by victims of commercial sex trafficking.

Upon further discussion with representatives of the Virginia Victims Fund, staff found that the Fund was already working on internal measures to assist with claims filed by victims of commercial sex trafficking.¹⁴² These representatives and staff agreed that it would be important for the Fund to notify stakeholders that such victims are eligible to be awarded claims.¹⁴³ As a result, no legislation was introduced in regard to this recommendation. Instead, the Crime Commission sent a letter requesting that the Virginia Victims Fund collaborate with stakeholders to develop informational materials, increase outreach, and support training efforts relating to claims filed by victims of commercial sex trafficking.

Recommendation 7: Enact Virginia Code §§ 9.1-116.4, 16.1-69.48:6 and 17.1-275.13 to create a Virginia Prevention of Sex Trafficking Fund administered by DCJS to promote training, education, and awareness related to sex trafficking.

While funding sources exist to provide treatment and services to victims of commercial sex trafficking,¹⁴⁴ staff was unable to identify any funding sources specifically for the prevention and awareness of such trafficking. Staff proposed this fund as a means of generating revenue from convicted traffickers and sex buyers that could be used to promote prevention and awareness related to commercial sex trafficking. The fund would also impose an additional punitive measure on convicted traffickers and sex buyers in the form of a court fee.

House Bill 2651 (Del. David E. Yancey) was enacted during the Regular Session of the 2019 General Assembly to address this recommendation.¹⁴⁵ The bill established this fund that will generate its revenues from court fees assessed to traffickers and sex buyers who are convicted of commercial sex trafficking offenses (\$100 for each misdemeanor and \$500 for each felony).

It is important to note that no fees are assessed on convictions for prostitution (Va. Code § 18.2-346(A)) or for keeping, residing in, or frequenting a bawdy place (Va. Code § 18.2-347). These Code sections were specifically excluded from the legislation so that victims of commercial sex trafficking will not be assessed this fee.

Recommendation 8: Amend Virginia Code § 18.2-67.9 to allow certain juvenile sex trafficking victims and witnesses to testify via two-way closed-circuit television under the following existing rules:

- Victim: Age 14 or under at the time of offense and age 16 or under at the time of trial; or,
- Witness: Age 14 or under at the time of trial.

Existing Virginia law allowed juvenile victims and witnesses within the above listed age parameters to testify via two-way closed-circuit television for specific categories of offenses, including: kidnapping (Va. Code § 18.2-47 *et. seq.*), criminal sexual assault (Va. Code § 18.2-61 *et. seq.*), and family offenses (Va. Code § 18.2-362 *et. seq.*).¹⁴⁶ This recommendation adds commercial sex trafficking and prostitution offenses (Va. Code § 18.2-344 *et seq.*) to the categories of offenses for which two-way closed-circuit television may be utilized. Staff proposed this recommendation due to the fact that both adults and juveniles can be victims of commercial sex trafficking.

House Bill 2464 (Del. Christopher E. Collins) was enacted during the Regular Session of the 2019 General Assembly to address this recommendation.¹⁴⁷

Recommendation 9: Request that DCJS Committee on Training establish compulsory minimum entry-level, in-service, and advanced training standards for law enforcement officers on the awareness and identification of sex trafficking.

Staff proposed this recommendation as a means to educate law enforcement officers on the dynamics and indicators of the commercial sex industry throughout various stages in their careers. At the time of this study, DCJS was in the process of reviewing and updating its training standards. That analysis identified human trafficking as a need to be included in the updated minimum entry-level law enforcement officer training standards.¹⁴⁸

The Crime Commission sent a letter to DCJS requesting that the agency establish compulsory minimum entry-level, in-service, and advanced training standards for law enforcement officers on the awareness and identification of sex trafficking.

Recommendation 10: Request that DCJS continue to allocate a portion of the Victims of Crime Act (VOCA) funding for treatment and services for victims of sex trafficking.

Staff found that resources for victims of commercial sex trafficking are limited in Virginia. Additionally, as more stakeholders receive training on the indicators of commercial sex trafficking, it is likely that more victims will be identified. This recommendation was proposed to ensure that victims of commercial sex trafficking continue to receive consideration when VOCA grant funding is awarded.

At the time of this study, DCJS had awarded various VOCA grants to address human trafficking, including:

- nearly \$1.1 million to three programs that specifically focus on human trafficking;
- nearly \$1.1 million to six programs that provide services to various victims, including those of human trafficking; and,
- over \$1.7 million to the Department of Social Services for the treatment of juvenile victims of physical and sexual abuse, which includes human trafficking.¹⁴⁹

The Crime Commission sent a letter to DCJS requesting that the agency continue to allocate a portion of VOCA grant funding for the treatment of commercial sex trafficking victims.

Recommendation 11: Direct Crime Commission staff to continue work on this study for an additional year to consult with stakeholders, examine further areas of concern, and identify potential solutions to:

- Identify strategies to enhance data collection and case tracking across multiple agencies;
- Examine the roles of existing multi-disciplinary teams and their response to sex trafficking;
- Work with stakeholders to include sex trafficking training at various conferences over the next year;
- Work with the Department of Education and school divisions to examine prevention strategies for at-risk youth;
- Assess options for assisting sex trafficking victims with obtaining personal identification documents;
- Determine screening tools that exist to identify at-risk youth and develop a plan for how a uniform statewide tool can be adopted; and,
- Identify any other strategies to address sex trafficking in Virginia.

While staff was able to gather and analyze a vast amount of information on the commercial sex industry prior to the October meeting, the complexity of the industry and its impact on the Commonwealth require further examination. Continuing the study will provide staff an opportunity to more closely scrutinize various areas of concern that were identified.

Policy Decision Option 1: Endorse House Bill 984 (Del. David E. Yancey) of the Regular Session of the 2018 General Assembly to amend Virginia Code § 18.2-346 to allow a petition for a child in need of services to be substituted for a delinquency petition for a minor arrested for prostitution, if the minor is willing to participate in specialized services for those engaged in commercial sexual conduct.

This legislation would have allowed a petition for a child in need of services to be substituted for a delinquency petition in cases where a juvenile was charged with prostitution. In order for such a substitution to occur, the juvenile would have to agree to participate in specialized services for persons engaged in commercial sexual conduct. This legislation would only be applicable in a limited number of cases because few juveniles are charged with prostitution in Virginia.

Staff identified several potential unintended consequences from this legislation. First, the legislation was limited only to charges of prostitution and therefore a juvenile victim of commercial sex trafficking who came before the court on any other offense would not have access to this remedy. Second, the Virginia Code currently provides juvenile court intake officers the authority to proceed informally on a criminal offense so that the charge does not have to enter the court system.¹⁵⁰ Third, juvenile court judges have broad authority when fashioning the disposition on a case, including the authority to defer and

dismiss the offense.¹⁵¹ Fourth, the creation of a special process for prostitution charges could potentially impact how juvenile court intake officers and judges exercise their statutory discretion to divert or defer and dismiss prostitution charges. Fifth, the legislation required the juvenile to agree to participate in specialized services for persons engaged in commercial sexual conduct; however, the legislation did not include a remedy for instances when the juvenile then failed or refused to participate in those specialized services.

No motion was made by the Crime Commission in regard to this option.

Policy Decision Option 2: Endorse House Bill 962 (Del. David E. Yancey) of the Regular Session of the 2018 General Assembly to amend Virginia Code § 19.2-392.2 to allow a person to petition for expungement of convictions for prostitution when the person was induced to engage in prostitution through the use of force, intimidation, or deception by another.

Staff noted that this legislation would aid in removing certain barriers that victims of commercial sex trafficking may face when attempting to leave or after they have left the industry. A criminal conviction can adversely impact an individual's ability to obtain employment, housing, education, and other services.¹⁵²

While this legislation may provide a benefit to victims of commercial sex trafficking, various concerns were identified in regard to how the legislation would be applied in practice. First, current Virginia law does not allow for expungement of any offense that resulted in a conviction.¹⁵³ This legislation would expand the availability of expungements to victims of commercial sex trafficking, but not to victims of any other type of criminal activity. Second, the legislation only applied to convictions for prostitution and not to convictions for other types of offenses (e.g., drug possession or larceny) that may have resulted from the victim's involvement in the commercial sex industry. Third, expungement would only be authorized if the conviction was as a result of force, intimidation, or deception, and thus individuals who were victimized through some other means of control by their trafficker would not be eligible for expungement. Fourth, due to the passage of time since a conviction was entered, records may no longer exist in order for the parties (both the victim and the Commonwealth) to litigate whether an expungement should be granted. Fifth, the legislation contained no waiting period between the conviction and the expungement, and thus a victim could be convicted in the district court and immediately file for expungement of that conviction in the circuit court. This lack of a waiting period led to the concern that a trafficker could use this process as a way to further manipulate the victim by assisting with an expungement.

This option was defeated by a majority vote of the Crime Commission.

Policy Decision Option 3: Amend Virginia Code §§ 19.2-305.1 and 19.2-368.15 to require mandatory restitution for juvenile victims of sex trafficking.

The concept of mandatory restitution for juvenile victims of sex trafficking was raised following the October meeting. A similar provision exists in the Virginia Code for juvenile victims of child pornography offenses.¹⁵⁴ Staff did not identify any instances where a

victim of sex trafficking was not awarded restitution when it was requested from the court. Additionally, staff was advised by a prior victim of sex trafficking that the trafficker would likely obtain the money to pay this restitution by recruiting more victims into the commercial sex industry.¹⁵⁵

No motion was made by the Crime Commission in regard to this option.

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Amara Legal Center

Bon Secours Richmond Health System

Criminal Defense & Advocacy Clinic – Brooklyn Law School

Criminal Injuries Compensation Fund (Virginia Victims Fund)

Commonwealth’s Attorneys’ Services Council

Federal Bureau of Investigation – Behavioral Analysis Unit

Greater Richmond Stop Child Abuse Now (SCAN)

Hallmark Youthcare – Richmond

Henrico County Commonwealth’s Attorney’s Office

Henrico County Police Division

ImPACT Virginia

Linking Systems of Care for Children and Youth – Virginia (Vision 21)

National Association to Protect Children (Protect.org)

National Center for Missing & Exploited Children

National District Attorneys Association

Northern Virginia Human Trafficking Task Force

Office of the Attorney General

Prince William County Public Schools

Richmond Justice Initiative

Rights 4 Girls

Safe Harbor

Seattle Against Slavery

Shared Hope International

Trauma and Hope

United States Attorney's Office for the Western District of Virginia

United States Immigration and Customs Enforcement

VCU Health System

Virginia Association of Commonwealth's Attorneys

Virginia Beach Justice Initiative

Virginia Criminal Sentencing Commission

Virginia Department of Criminal Justice Services

Virginia Department of Education

Virginia Department of Emergency Management

Virginia Department of Juvenile Justice & Directors of Court Service Units

Virginia Department of Social Services

Virginia State Police - Virginia Fusion Center

Virginia Victim Assistance Network

youthSpark

Youth For Tomorrow

Appendix 1: Commercial Sex Trafficking Data

Arrests, Charges, and Convictions, FY14-FY18 Va. Code § 18.2-48(iii) and (iv) Abduction with intent to extort money or for immoral purpose

§ 18.2-48(iii)	Abduct child under 16 years of age for concubinage or prostitution	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	1	1	1	0	0	3
	Circuit Court Charges	0	8	3	0	0	11
	Circuit Court Convictions	0	0	0	0	0	0
	General District Court Charges	0	0	0	0	0	0
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	0	0	0	0	0	0
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	1	3	1	2	0	7

§ 18.2-48(iv)	Abduct for the purpose of prostitution	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	3	5	3	2	0	13
	Circuit Court Charges	0	5	1	2	0	8
	Circuit Court Convictions	0	0	0	0	0	0
	General District Court Charges	3	8	0	1	1	13
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	0	2	0	0	2	4
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code § 18.2-346
Prostitution; commercial sexual conduct

§ 18.2-346(A)	Prostitution, adultery, or fornication for money	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	349	316	258	240	115	1,278
	Circuit Court Charges	8	6	17	21	13	65
	Circuit Court Convictions	8	6	12	20	13	59
	General District Court Charges	438	547	413	366	207	1,971
	General District Court Convictions	281	316	278	216	138	1,229
	J&DR Court Charges (Adult Only)	1	1	1	1	2	6
	J&DR Court Convictions (Adult Only)	0	3	0	0	0	3
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	4	3	5	0	4	16

§ 18.2-346(B)	Solicitation of prostitution (offering money, etc. for sexual act)	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	239	318	216	135	80	988
	Circuit Court Charges	4	7	12	9	3	35
	Circuit Court Convictions	2	7	5	10	8	32
	General District Court Charges	190	351	102	111	72	826
	General District Court Convictions	106	166	83	55	45	455
	J&DR Court Charges (Adult Only)	1	1	1	1	2	6
	J&DR Court Convictions (Adult Only)	0	0	1	0	1	2
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	2	3	1	1	1	8

Note: There were an additional 924 charges and 465 convictions in General District Courts across FY14-FY18 where the type of prostitution offense (A or B) under Va. Code § 18.2-346 was not clear.

The figures above represent RAW DATA ONLY. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code § 18.2-346(B,i) and (B,ii)
Prostitution; commercial exploitation of a minor

§ 18.2-346(B,i)	Solicitation of prostitution from minor age 16 or older	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	3	11	2	5	1	22
	Circuit Court Charges	0	7	1	0	1	9
	Circuit Court Convictions	0	0	2	1	1	4
	General District Court Charges	0	0	0	2	1	3
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	3	12	1	3	4	23
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

§ 18.2-346(B,ii)	Solicitation of prostitution from minor less than age 16	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	8	9	2	6	4	29
	Circuit Court Charges	3	8	1	7	2	21
	Circuit Court Convictions	0	2	0	2	2	6
	General District Court Charges	3	1	1	4	0	9
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	6	8	2	7	3	26
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0		0	0	0	1

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code § 18.2-347
Keeping, residing in or frequenting a bawdy place

§ 18.2-347	Maintain or frequent a bawdy place	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	365	463	430	409	312	1,979
	Circuit Court Charges	0	5	28	23	32	88
	Circuit Court Convictions	1	3	15	15	25	59
	General District Court Charges	522	593	540	491	353	2,499
	General District Court Convictions	227	317	252	219	167	1,182
	J&DR Court Charges (Adult Only)	1	5	10	4	0	20
	J&DR Court Convictions (Adult Only)	0	1	1	0	0	2
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	1	0	2	5	2	10

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Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code § 18.2-348
Aiding prostitution or illicit sexual intercourse

§ 18.2-348	Aiding prostitution or illicit sexual intercourse	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	54	49	33	24	34	194
	Circuit Court Charges	1	5	6	3	2	17
	Circuit Court Convictions	7	3	7	6	9	32
	General District Court Charges	71	51	23	27	38	210
	General District Court Convictions	18	18	18	12	13	79
	J&DR Court Charges (Adult Only)	4	4	9	2	2	21
	J&DR Court Convictions (Adult Only)	0	1	1	0	0	2
JUVENILES:	Juvenile Petitioned Intakes by Court Service	0	0	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18

Va. Code § 18.2-349

Using vehicles to promote prostitution or unlawful sexual intercourse

§ 18.2-349	Using vehicles to promote prostitution or unlawful sexual intercourse	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	20	41	39	39	33	172
	Circuit Court Charges	3	5	8	4	4	24
	Circuit Court Convictions	2	0	7	2	3	14
	General District Court Charges	44	89	58	63	35	289
	General District Court Convictions	5	9	16	11	9	50
	J&DR Court Charges (Adult Only)	1	6	3	2	1	13
	J&DR Court Convictions (Adult Only)	0	0	1	0	0	1
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18**Va. Code § 18.2-355(1) and (3)****Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking**

§ 18.2-355(1)	Enticement, procurement	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	29	52	35	23	9	148
	Circuit Court Charges	8	26	28	14	10	86
	Circuit Court Convictions	3	8	3	7	4	25
	General District Court Charges	21	41	15	20	5	102
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	3	9	2	0	0	14
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	1	0	0	1	2

§ 18.2-355(3)	Parent permitting child	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	0	2	3	0	1	6
	Circuit Court Charges	0	1	4	0	2	7
	Circuit Court Convictions	0	0	0	1	0	1
	General District Court Charges	0	0	0	0	0	0
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	0	1	1	0	0	2
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code § 18.2-355(4)

Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking

§ 18.2-355(4)	Enticement, procurement	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	0	0	11	8	3	22
	Circuit Court Charges	0	1	17	7	4	29
	Circuit Court Convictions	0	0	2	1	1	4
	General District Court Charges	0	0	0	3	1	4
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	0	4	13	9	3	29
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	1	0	1

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code §§ 18.2-356(i)
Receiving money for procuring person to engage in sex

§ 18.2-356(i)	Receive money for procurement of person to engage in sex	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	12	6	2	0	5	25
	Circuit Court Charges	5	0	4	0	0	9
	Circuit Court Convictions	3	0	0	1	0	4
	General District Court Charges	10	4	0	1	0	15
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	0	0	0	0	0	0
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

§ 18.2-356(i)	Receive money for procurement of person less than 18 years of age to engage in sex	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	0	0	1	1	1	3
	Circuit Court Charges	0	0	0	0	3	3
	Circuit Court Convictions	0	0	0	0	0	0
	General District Court Charges	0	0	0	1	0	1
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	0	0	1	1	0	2
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code §§ 18.2-356(ii)
Receiving money for procuring person to engage in prostitution

§ 18.2-356(ii)	Receive money for procurement of person to engage in prostitution	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	6	31	4	3	4	48
	Circuit Court Charges	3	7	3	0	1	14
	Circuit Court Convictions	1	3	0	3	0	7
	General District Court Charges	5	33	9	3	8	58
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	1	2	1	1	0	5
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

§ 18.2-356(ii)	Receive money for procurement of person less than 18 years of age to engage in prostitution	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	0	0	0	0	0	0
	Circuit Court Charges	0	0	0	0	0	0
	Circuit Court Convictions	0	0	0	0	0	0
	General District Court Charges	0	0	0	0	0	0
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	0	0	0	0	0	0
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code § 18.2-357
Receiving money from earnings of male or female prostitute

§ 18.2-357	Pander, pimp or receive money from prostitute	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	108	83	68	57	42	358
	Circuit Court Charges	52	54	43	16	30	195
	Circuit Court Convictions	20	26	28	5	13	92
	General District Court Charges	95	82	45	51	20	293
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	4	4	8	1	0	17
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	1	1	0	2

§ 18.2-357	Pander, pimp or receive money from prostitute < age 18	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	0	0	14	1	4	19
	Circuit Court Charges	0	0	7	0	3	10
	Circuit Court Convictions	0	0	0	0	0	0
	General District Court Charges	0	0	0	1	4	5
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	0	0	14	2	3	19
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code § 18.2-357.1(A) and (B)
Commercial sex trafficking

§ 18.2-357.1(A)	Sex trafficking	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	---	---	79	89	129	297
	Circuit Court Charges	---	---	32	64	114	210
	Circuit Court Convictions	---	---	1	20	17	38
	General District Court Charges	---	---	72	65	62	199
	General District Court Convictions	---	---	0	0	0	0
	J&DR Court Charges (Adult Only)	---	---	3	2	0	5
	J&DR Court Convictions (Adult Only)	---	---	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	---	---	0	2	1	3

§ 18.2-357.1(B)	Sex trafficking by force	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	---	---	16	31	5	52
	Circuit Court Charges	---	---	22	24	4	50
	Circuit Court Convictions	---	---	1	5	9	15
	General District Court Charges	---	---	3	11	7	21
	General District Court Convictions	---	---	0	0	0	0
	J&DR Court Charges (Adult Only)	---	---	0	2	0	2
	J&DR Court Convictions (Adult Only)	---	---	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	---	---	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18
Va. Code § 18.2-357.1(C)
Commercial sex trafficking

§ 18.2-357.1(C)	Sex trafficking	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	---	---	23	13	12	48
	Circuit Court Charges	---	---	10	2	22	34
	Circuit Court Convictions	---	---	3	3	6	12
	General District Court Charges	---	---	1	3	5	9
	General District Court Convictions	---	---	0	0	0	0
	J&DR Court Charges (Adult Only)	---	---	17	10	10	37
	J&DR Court Convictions (Adult Only)	---	---	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	---	---	0	1	0	1

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Arrests, Charges, and Convictions, FY14-FY18**Va. Code § 18.2-374.3****Use of communications system to facilitate certain offenses involving children**

§ 18.2-374.3	Procure minor for prostitution, sodomy, porn by communications system	2014	2015	2016	2017	2018	TOTAL
ADULTS:	Arrests	8	6	13	10	6	43
	Circuit Court Charges	14	5	4	11	10	44
	Circuit Court Convictions	4	11	3	2	8	28
	General District Court Charges	0	1	3	2	1	7
	General District Court Convictions	0	0	0	0	0	0
	J&DR Court Charges (Adult Only)	3	6	7	5	7	28
	J&DR Court Convictions (Adult Only)	0	0	0	0	0	0
JUVENILES:	Juvenile Petitioned Intakes by Court Service Units	0	0	0	0	0	0

*The figures above represent **RAW DATA ONLY**. No attempts should be made to directly compare arrests, petitions, charges, or convictions as the data sources and temporal definitions vary.*

Data sources include the following:

Arrests: Virginia State Police, CCH System, Fiscal Year of Arrest

Juvenile Petitioned Intakes: Virginia Department of Juvenile Justice, Fiscal Year of Intake

Circuit Court Charges and Convictions: Supreme Court of Virginia - Circuit Court Case Management System (CMS); The Circuit Court Automated Information System does not include cases from Fairfax or Alexandria.

General District Court Charges and Convictions: Supreme Court of Virginia – General District Court CMS

Juvenile & Domestic Relations District Court Charges and Convictions: Supreme Court of Virginia – Juvenile & Domestic Relations Court CMS

Note: Charges represent Fiscal Year Filed; Convictions represent Fiscal Year Concluded. To avoid duplication, appeals from General District and Juvenile & Domestic Relations Courts were excluded. To avoid duplication, cases transferred to another jurisdiction prior to conclusion of the case were excluded. Charge/conviction data for each offense include attempted, conspired, and completed crimes. Data are based on the offense at charge/conviction and exclude subsequent probation violations or other violations stemming from that offense. Cases were selected for inclusion in the analysis based on information entered by the clerks in the CMS data system. Analysis of Juvenile & Domestic Relations (JDR) Court data includes only adult offenders processed in JDR Court. The Sentencing Commission does not have access to data for juveniles adjudicated in JDR Court.

Endnotes

- ¹ House Bills 962 and 984 were both patroned by Delegate David E. Yancey.
- ² 22 U.S.C. § 7102 (2018). Staff used the U.S. Code definitions for this study; however, it should be noted that the elements of and penalties for commercial sex trafficking vary between the U.S. Code and the Virginia Code.
- ³ 22 U.S.C. § 7102(12) (2018).
- ⁴ 22 U.S.C. § 7102(4) (2018).
- ⁵ 2019 Va. Acts ch. 381, 687.
- ⁶ Legislation left in the Senate Committee on Finance is not enacted into law by the General Assembly. *See* Va. Code § 30-19.1:4 (2018). Fiscal impact statements are prepared by the Virginia Criminal Sentencing Commission for any bill that will result in a net increase in periods of imprisonment in state adult correctional facilities.
- ⁷ 2019 Va. Acts ch. 617.
- ⁸ 2019 Va. Acts ch. 486, 514.
- ⁹ 2019 Va. Acts ch. 854. Item 393(B) of the 2019 Appropriations Act. Retrieved from <https://budget.lis.virginia.gov/item/2019/1/HB1700/Chapter/1/393/>. *See also* the fiscal impact statements for Senate Bill 1669 (<http://lis.virginia.gov/cgi-bin/legp604.exe?191+oth+SB1669FER122+PDF>) and House Bill 2576 (<https://lis.virginia.gov/cgi-bin/legp604.exe?191+oth+HB2576FER122+PDF>).
- ¹⁰ 2019 Va. Acts ch. 728.
- ¹¹ 2019 Va. Acts ch. 146.
- ¹² As of January 1, 2017, this fund is referred to as the Virginia Victims Fund (officially Criminal Injuries Compensation Fund).
- ¹³ *See* Va. Code § 18.2-344 *et. seq.* (2018).
- ¹⁴ 22 U.S.C. § 7102 (2018). Staff used the U.S. Code definitions for this study; however, it should be noted that the elements of and penalties for commercial sex trafficking vary between the U.S. Code and the Virginia Code.
- ¹⁵ 22 U.S.C. § 7102(4) (2018).
- ¹⁶ 22 U.S.C. § 7102(11)(A) (2018). This provision also contains a subsection (B) which relates to labor trafficking.
- ¹⁷ 22 U.S.C. § 7102(12) (2018).
- ¹⁸ *See, e.g.,* Murphy, C. (2015, August 14). *Sex workers' rights are human rights*. Amnesty International, retrieved from <https://www.amnesty.org/en/latest/news/2015/08/sex-workers-rights-are-human-rights/>.
- ¹⁹ For example, staff heard anecdotally that when a trafficker is arrested and incarcerated, victims of that trafficker may continue to engage in prostitution and may seek out a new trafficker for assistance.
- ²⁰ The term “victim” will be used throughout the remainder of the report when referring to a trafficked person/victim.
- ²¹ The item of value is frequently money; however, the sex act may be in exchange for any legal or illegal item which has some value, such as narcotics.
- ²² Office of Justice Programs, Office for Victims of Crime. *About human trafficking: What is human trafficking?* Retrieved from <https://ovc.ncjrs.gov/humantrafficking/about.html>.
- ²³ *Id.*

- ²⁴ See, e.g., Greenbaum, J., & Crawford-Jakubiak, J. (2015). Child sex trafficking and commercial sexual exploitation: Health care needs of victims. *American Academy of Pediatrics*, 135(3), 566-574; Hardy, V.L., Compton, K.D., & McPhatter, V.S. (2013). Domestic minor sex trafficking: Practice implications for mental health professionals. *Journal of Women and Social Work*, 28(1), 8-18; Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, 356-369; Miller-Perrin, C., & Wurtele, S.K. (2017). Sex trafficking and the commercial sexual exploitation of children. *Women & Therapy*, 40(1-2), 123-151; Rafferty, Y. (2013). Child trafficking and commercial sexual exploitation: A review of promising prevention policies and programs. *American Journal of Orthopsychiatry*, 83(4), 559-575; U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2009). *Human trafficking into and within the United States: A review of the literature*, Retrieved from <https://aspe.hhs.gov/report/human-trafficking-and-within-united-states-review-literature>.
- ²⁵ See, e.g., Felner, J.K., & DuBois, D.L. (2017). Addressing the commercial sexual exploitation of children and youth: A systematic review of program and policy evaluations. *Journal of Child & Adolescent Trauma* 10, 187-201; Hardy, V.L., Compton, K.D., & McPhatter, V.S. (2013). Domestic minor sex trafficking: Practice implications for mental health professionals. *Journal of Women and Social Work*, 28(1), 8-18; Miller-Perrin, C., & Wurtele, S.K. (2017). Sex trafficking and the commercial sexual exploitation of children. *Women & Therapy*, 40(1-2), 123-151; Rafferty, Y. (2013). Child trafficking and commercial sexual exploitation: A review of promising prevention policies and programs. *American Journal of Orthopsychiatry*, 83(4), 559-575; U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2009). *Human trafficking into and within the United States: A review of the literature*, Retrieved from <https://aspe.hhs.gov/report/human-trafficking-and-within-united-states-review-literature>.
- ²⁶ See, e.g., Deshpande, N.A., & Nour, N.M. (2013). Sex trafficking of women and girls. *Reviews in Obstetrics & Gynecology*, 6(1), 22-27; National Human Trafficking Hotline. *The Victims*. Retrieved from <https://humantraffickinghotline.org/what-human-trafficking/human-trafficking/victims>; U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2009). *Human trafficking into and within the United States: A review of the literature*, Retrieved from <https://aspe.hhs.gov/report/human-trafficking-and-within-united-states-review-literature>; U.S. Department of Health & Human Services, Administration for Children & Families, Office of Planning, Research and Evaluation. (2017). *Evaluation of domestic victims of human trafficking demonstration projects, 2014-2018*. Retrieved from; <https://www.acf.hhs.gov/opre/resource/evaluation-domestic-victims-human-trafficking-demonstration-projects-final-report-first-cohort-projects>.
- ²⁷ See, e.g., Dank, M., Khan, B., Downey, P., Kotonias, C., Mayer, D., Owens, C., Pacifici, L., & Yu, L. (2014). Estimating the size and structure of the underground commercial sex economy in eight major US cities. *The Urban Institute*. Retrieved from <https://www.urban.org/sites/default/files/publication/22376/413047-estimating-the-size-and-structure-of-the-underground-commercial-sex-economy-in-eight>

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- ²⁸ See, e.g., Greenbaum, J., & Crawford-Jakubiak, J. (2015). Child sex trafficking and commercial sexual exploitation: Health care needs of victims. *American Academy of Pediatrics*, 135(3), 566-574; Hardy, V.L., Compton, K.D., & McPhatter, V.S. (2013). Domestic minor sex trafficking: Practice implications for mental health professionals. *Journal of Women and Social Work*, 28(1), 8-18; Hargreaves-Cormany, H.A., & Patterson, T.D. (2016). Characteristics of survivors of juvenile sex trafficking: Implications for treatment and intervention initiatives. *Aggression and Violent Behavior*, 30, 32-39.
- ²⁹ See, e.g., Musto, J. (2013). Domestic minor sex trafficking and the detention-to-protection pipeline. *Dialectical Anthropology*, 37(2), 257-276; Salisbury, E.J., Dabney, J.D., & Russell, K. (2015). Diverting victims of commercial sexual exploitation from juvenile detention: Development of the interCSEct screening protocol. *Journal of Interpersonal Violence*, 30(7), 1247-1276; United States Government Accountability Office. (2016). *Human trafficking: Agencies have taken steps to assess prevalence, address victim issues, and avoid grant duplication*. Retrieved from <https://www.gao.gov/assets/680/678041.pdf>; Gerassi, L. (2015). From exploitation to industry: Definitions, risks, and consequences of domestic sexual exploitation and sex work among women and girls. *Journal of Human Behavior in the Social Environment*, 25(6), 591-605; Hammond, G.C., & McGlone, M. (2014). Entry, progression, exit, and service provision for survivors of sex trafficking: Implications for effective interventions. *Global Social Welfare*, 1, 157-168; Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, 356-369; Mostajabian, S., Santa Maria, D., Wiemann, C., Newlin, E., & Bocchini, C. (2019). Identifying sexual and labor exploitation among sheltered youth experiencing homelessness: A comparison of screening methods. *International Journal of Environmental Research and Public Health*, 16(3), 363 DOI 10.3390/ijerph16030363; O'Brien, J.E., White, K., & Rizo, C.F. (2017). Domestic minor sex trafficking among child welfare-involved youth: An exploratory study of correlates. *Child Maltreatment*, 22(3), 265-274; Reid, J.A., Baglivio, M.T., Piquero, A.R., Greenwald, M.A., & Epps, N. (2017). Human trafficking of minors and childhood adversity in Florida. *American Journal of Public Health*, 107(2), 306-311; Varma, S., Gillespie, S., McCracken, C., & Greenbaum, V. J. (2015). Characteristics of child commercial sexual exploitation and sex trafficking victims presenting for medical care in the United States. *Child Abuse & Neglect*, 44, 98-105; Covenant House. (2013). *Homelessness, survival sex, and human trafficking: As experienced by the youth of Covenant House New York*. Retrieved from <https://humantraffickinghotline.org/sites/default/files/Homelessness%2C%20Survival%20Sex%2C%20and%20Human%20Trafficking%20->

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⁴² See, e.g., Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, 356-369; Deshpande, N.A., & Nour, N.M. (2013). Sex trafficking of women and girls. *Reviews in Obstetrics & Gynecology*, 6(1), 22-27; Williamson, C., & Prior, M. (2009). Domestic minor sex trafficking: A network of underground players in the Midwest. *Journal of Child & Adolescent Trauma*, 2, 46-61; Hargreaves-Cormany, H.A., Patterson, T.D., Muirhead, Y.E., & The Federal Bureau of Investigation. (2016). A typology of offenders engaging in the sex trafficking of juveniles (STJ): Implications for risk assessment. *Aggression and Violent Behavior*, 30, 40-47; Hargreaves-Cormany, H.A., & Patterson, T.D. (2016). Characteristics of survivors of juvenile sex trafficking: Implications for treatment and intervention initiatives. *Aggression and Violent Behavior*, 30, 32-39. Note: There are two general types of recruitments styles and/or use of control when manipulating targeted victims: (1) finesse pimping and (2) guerilla pimping. Staff found that although one method of recruitment style might be used in the beginning, it is likely that both methods of coercion may be used at any time.

⁴³ See, e.g., Deshpande, N.A., & Nour, N.M. (2013). Sex trafficking of women and girls. *Reviews in Obstetrics & Gynecology*, 6(1), 22-27; Hargreaves-Cormany, H.A., & Patterson, T.D. (2016). Characteristics of survivors of juvenile sex trafficking: Implications for treatment and intervention initiatives. *Aggression and Violent Behavior*, 30, 32-39; Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, 356-369; Williamson, C., & Prior, M. (2009). Domestic minor sex trafficking: A network of underground players in the Midwest. *Journal of Child & Adolescent Trauma*, 2, 46-61.

- ⁴⁴ See, e.g., Child Welfare Capacity Building Collaborative. (n.d.) *Identifying minors and young people through sex trafficking: A resource for child welfare agencies*. Retrieved from https://library.childwelfare.gov/cwig/ws/library/docs/capacity/Blob/106060.pdf?w=NATIVE%28%27SIMPLE_SRCH+ph+is+%27%27Identifying+Minors+and+Young+People+Exploited+Through+Sex+Trafficking%3A+A+Resource+for+Child+Welfare+Agencies%27%27%27%29&upp=0&o; Hargreaves-Cormany, H.A., Patterson, T.D., Muirhead, Y.E., & The Federal Bureau of Investigation. (2016). A typology of offenders engaging in the sex trafficking of juveniles (STJ): Implications for risk assessment. *Aggression and Violent Behavior*, 30, 40-47; Raphael, J., Reichert, J.A., & Powers, M. (2010). Pimp control and violence: Domestic sex trafficking of Chicago women and girls. *Women & Criminal Justice*, 20(1-2), 89-104.
- ⁴⁵ See, e.g., Greenbaum, J., & Crawford-Jakubiak, J. (2015). Child sex trafficking and commercial sexual exploitation: Health care needs of victims. *American Academy of Pediatrics*, 135(3), 566-574; Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, 356-369; Raphael, J., Reichert, J.A., & Powers, M. (2010). Pimp control and violence: Domestic sex trafficking of Chicago women and girls. *Women & Criminal Justice*, 20(1-2), 89-104.
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- ⁴⁷ *Id.*
- ⁴⁸ See, e.g., Shively, M., Kliorys, K., Wheeler, K., & Hunt, D. (2012). *A national overview of prostitution and sex trafficking demand reduction efforts*, p.8. Prepared for the National Institute of Justice, Office of Justice Programs by Abt Associates Inc. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>; Henshaw, M., Ogloff, J.R.P., & Clough, J.A. (2018). Demographic, mental health, and offending characteristics of online child exploitation material offenders: A comparison with contact-only and dual sexual offenders. *Behavior Sciences & the Law*, 36(2), 198-215; Hargreaves-Cormany, H.A., Patterson, T.D., Muirhead, Y.E., & The Federal Bureau of Investigation. (2016). A typology of offenders engaging in the sex trafficking of

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- ⁵⁰ See, e.g., Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, p. 362.
- ⁵¹ See, e.g., Shively, M., Kliorys, K., Wheeler, K., & Hunt, D. (2012). *A national overview of prostitution and sex trafficking demand reduction efforts*. Prepared for the National Institute of Justice, Office of Justice Programs by Abt Associates Inc. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>; Demand Abolition (2018). *Who buys sex: Understanding and disrupting illicit market demand*. Retrieved from <https://www.demandabolition.org/who-buys-sex/>.
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⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

- ⁵⁹ See, e.g., Dank, M., Khan, B., Downey, P., Kotonias, C., Mayer, D., Owens, C., Pacifici, L., & Yu, L. (2014). Estimating the size and structure of the underground commercial sex economy in eight major US cities. *The Urban Institute*. Retrieved from https://www.urban.org/sites/default/files/publication/22376/413047-estimating-the-size-and-structure-of-the-underground-commercial-sex-economy-in-eight-major-us-cities_0.pdf; Rafferty, Y. (2013). Child trafficking and commercial sexual exploitation: A review of promising prevention policies and programs. *American Journal of Orthopsychiatry*, 83(4), 559-575; Trouteaud, A.R. (2015). Adolescent males in the metro Atlanta's sex trade and their buyers. Retrieved from <http://youth-spark.org/wp-content/uploads/2016/07/CSEC-Boys-Study.pdf>; The Schapiro Group. (2010). *Men who buy sex with adolescent girls: A scientific research study*. Retrieved from <http://prostitutionresearch.com/wp-content/uploads/2014/04/The-Schapiro-Group-Georgia-Demand-Study-1.pdf>; Demand Abolition (2018). *Who buys sex: Understanding and disrupting illicit market demand*. Retrieved from <https://www.demandabolition.org/who-buys-sex/>.

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<https://humantraffickinghotline.org/sites/default/files/Homelessness%2C%20Survival%20Sex%2C%20and%20Human%20Trafficking%20-%20Covenant%20House%20NY.pdf>; U.S. Department of Health & Human Services, Administration for Children & Families, Office of Planning, Research and Evaluation. (2017). *Evaluation of domestic victims of human trafficking demonstration projects, 2014-2018*. Retrieved from <https://www.acf.hhs.gov/opre/resource/evaluation-domestic-victims-human-trafficking-demonstration-projects-final-report-first-cohort-projects>; Trouteaud, A.R. (2015). *Adolescent males in the metro Atlanta's sex trade and their buyers*. Retrieved from <http://youth-spark.org/wp-content/uploads/2016/07/CSEC-Boys-Study.pdf>

⁶¹ Staff has elected not to identify websites that advertise the sale of sex.

⁶² Staff has elected not to identify these message boards used by sex buyers.

⁶³ 2019 Va. Acts ch. 854. Item 393(B) of the 2019 Appropriations Act. Retrieved from <https://budget.lis.virginia.gov/item/2019/1/HB1700/Chapter/1/393/>. See also the fiscal impact statements for Senate Bill 1669 (<http://lis.virginia.gov/cgi-bin/legp604.exe?191+oth+SB1669FER122+PDF>) and House Bill 2576 (<https://lis.virginia.gov/cgi-bin/legp604.exe?191+oth+HB2576FER122+PDF>).

⁶⁴ Savage, C., and Williams, T. (2018, April 7). U.S. seizes Backpage.com, a site accused of enabling prostitution. *The New York Times*. Retrieved from <https://www.nytimes.com/2018/04/07/us/politics/backpage-prostitution-classified.html>.

⁶⁵ Whitcomb, D. (2019, April 11). Exclusive: Report gives glimpse into murky world of U.S. prostitution in post-Backpage era. Retrieved from <https://www.reuters.com/article/us-usa-prostitution-internet-exclusive/exclusive-report-gives-glimpse-into-murky-world-of-u-s-prostitution-in-post-backpage-era-idUSKCN1RN13E>.

⁶⁶ Law enforcement officers and prosecutors, personal communications, various dates. See also Goebel, T. (2019, February 8). Sex trafficking: Backpage gone, but not the problem. *Salisbury Daily Times*. Retrieved from <https://www.delmarvanow.com/story/news/local/delaware/2019/02/07/backpage-gone-but-not-sex-trafficking-police/2539934002/>. Stassinopoulos, A. (2019, May 3). Anti-trafficking law has unexpected consequences on sex work in Bay Area. *The Daily Californian*. Retrieved from <https://www.dailycal.org/2019/05/03/anti-trafficking-law-has-unexpected-consequences-on-sex-work-in-bay-area/>. The Samaritan Women. (n.d.) *Research Brief: After FOSTA-SESTA*. Retrieved from <https://instituteforsheltercare.org/wp-content/uploads/2018/09/After-SESTA-FOSTA.pdf>. Schumacher, E., & Welle, D. (2018, June 29). Sex workers leave Twitter for Switter after controversial US law. *USA Today*. Retrieved from <https://www.usatoday.com/story/news/world/2018/06/29/fosta-sex-workers-leave-twitter-switter-after-us-law/744989002/>.

⁶⁷ 76% (26 of 34) of Court Service Unit Directors surveyed provided a response.

⁶⁸ 2015 Va. Acts ch. 690, 691.

⁶⁹ 2018 Va. Acts ch. 71.

⁷⁰ 2018 Va. Acts ch. 571.

⁷¹ See U.S. Department of Health and Human Services. (2017, August 31). *Virginia: Efforts to combat human trafficking*. Retrieved from https://www.acf.hhs.gov/sites/default/files/otip/virginia_profile_efforts_to_combat_human_trafficking.pdf.

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- ⁷³ Zuckerman, J. (2017, January 26). FBI forms human trafficking task force along I-81. *The Northern Virginia Daily*. Retrieved from https://www.nvdaily.com/news/crime/fbi-forms-human-trafficking-task-force-along-i/article_657d7859-0b88-5cdb-9324-61803070bd57.html.
- ⁷⁴ Northern Virginia Human Trafficking Task Force. Retrieved from <https://www.nvhthf.com/>.
- ⁷⁵ This collaborative is facilitated by the Bon Secours Richmond Health System.
- ⁷⁶ See, e.g., Office of the Governor, Office of the Secretary of Public Safety & Virginia Department of Criminal Justice Services. (2013). *Laying the foundation for Virginia's coordinated response to human trafficking*. Retrieved from <https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/victims/laying-foundation-virginias-coordinated-response-human-trafficking.pdf>. While the Executive Order establishing this Committee has expired, many of the agencies represented on the Committee continue to meet to address human trafficking matters.
- ⁷⁷ Virginia Department of Education. (2018). *Guidelines for training on the prevention of trafficking of children*. Retrieved from http://www.doe.virginia.gov/support/prevention/human_trafficking/index.shtml.
- ⁷⁸ Virginia Department of Social Services. *CWSE4000: Identifying sex trafficking in child welfare*. Retrieved from <https://www.dss.virginia.gov/family/trafficking/index.cgi>.
- ⁷⁹ Linking Systems of Care for Children and Youth in Virginia, personal communication, Sept. 17, 2018. See also Linking Systems of Care for Children and Youth in Virginia. *Pilot Sites*. Retrieved from <http://linkingsystemsofcarevirginia.com/pilotsites/>.
- ⁸⁰ See, e.g., Salisbury, E.J., Dabney, J.D., & Russell, K. (2015). Diverting victims of commercial sexual exploitation from juvenile detention: Development of the interCSEct screening protocol. *Journal of Interpersonal Violence*, 30(7), 1247-1276; Rafferty, Y. (2013). Child trafficking and commercial sexual exploitation: A review of promising prevention policies and programs. *American Journal of Orthopsychiatry*, 83(4), 559-575; U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2009). *Human trafficking into and within the United States: A review of the literature*, Retrieved from <https://aspe.hhs.gov/report/human-trafficking-and-within-united-states-review-literature>; Felner, J.K., & DuBois, D.L. (2017). Addressing the commercial sexual exploitation of children and youth: A systematic review of program and policy evaluations. *Journal of Child & Adolescent Trauma* 10, 187-201; Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, 356-369; Musto, J. (2013). Domestic minor sex trafficking and the detention-to-protection pipeline. *Dialectical Anthropology*, 37(2), 257-276.
- ⁸¹ *Id.*
- ⁸² While the definition of sex trafficking is generally consistent, the terminology used to describe the aspects of the commercial sex industry varies across the field.
- ⁸³ See Appendix 1.

- ⁸⁴ Virginia Department of Social Services, Division of Family Services, email correspondence, Aug. 30, 2018.
- ⁸⁵ *Id.*
- ⁸⁶ Dank, M., Khan, B., Downey, P., Kotonias, C., Mayer, D., Owens, C., Pacifici, L., & Yu, L. (2014). Estimating the size and structure of the underground commercial sex economy in eight major US cities. *The Urban Institute*. Retrieved from https://www.urban.org/sites/default/files/publication/22376/413047-estimating-the-size-and-structure-of-the-underground-commercial-sex-economy-in-eight-major-us-cities_0.pdf.
- ⁸⁷ *Id.*
- ⁸⁸ *Id.*
- ⁸⁹ Raphael, J., Reichert, J.A., & Powers, M. (2010). Pimp control and violence: Domestic sex trafficking of Chicago women and girls. *Women & Criminal Justice*, 20(1-2), 89-104; Rafferty, Y. (2013). Child trafficking and commercial sexual exploitation: A review of promising prevention policies and programs. *American Journal of Orthopsychiatry*, 83(4), 559-575; Shively, M., Kliorys, K., Wheeler, K., & Hunt, D. (2012). *A national overview of prostitution and sex trafficking demand reduction efforts*. Prepared for the National Institute of Justice, Office of Justice Programs by Abt Associates Inc. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>
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- ⁹¹ See, e.g., Salisbury, E.J., Dabney, J.D., & Russell, K. (2015). Diverting victims of commercial sexual exploitation from juvenile detention: Development of the interCSEct screening protocol. *Journal of Interpersonal Violence*, 30(7), 1247-1276; United States Government Accountability Office. (2016). *Human trafficking: Agencies have taken steps to assess prevalence, address victim issues, and avoid grant duplication*. Retrieved from <https://www.gao.gov/assets/680/678041.pdf>; Gerassi, L. (2015). From exploitation to industry: Definitions, risks, and consequences of domestic sexual exploitation and sex work among women and girls. *Journal of Human Behavior in the Social Environment*, 25(6), 591-605; Hammond, G.C., & McGlone, M. (2014). Entry, progression, exit, and service provision for survivors of sex trafficking: Implications for effective interventions. *Global Social Welfare*, 1, 157-168; Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective

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⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ 2015 Va. Acts ch. 690, 691.

⁹⁶ Virginia State Police, CCH System, Fiscal Year of Arrest.

⁹⁷ *Id.*

⁹⁸ *Id.* That one locality accounted for 80% (318 of 397) of arrests under Virginia's commercial sex trafficking statute (Va. Code § 18.2-357.1) between FY16 to FY18.

⁹⁹ See, e.g., Musto, J. (2013). Domestic minor sex trafficking and the detention-to-protection pipeline. *Dialectical Anthropology*, 37(2), 257-276; Salisbury, E.J., Dabney, J.D., & Russell, K. (2015). Diverting victims of commercial sexual exploitation from juvenile detention: Development of the interCSECT screening protocol. *Journal of Interpersonal Violence*, 30(7), 1247-1276; United States Government Accountability

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- ¹⁰⁰ Va. Code § 18.2-346(A) (2018). *See also* Va. Code § 18.2-11(a) (2018). A Class 1 misdemeanor is punishable by up to twelve months in jail and a \$2,500 fine.
- ¹⁰¹ U.S. Department of Homeland Security, Blue Campaign. *Indicators of human trafficking*. Retrieved from <https://www.dhs.gov/blue-campaign/indicators-human-trafficking#>. The Blue Campaign provides a more comprehensive list of human trafficking indicators.
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- ¹⁰⁴ *See* Linking Systems of Care for Children and Youth in Virginia. *Home*. Retrieved from <http://linkingsystemsofcarevirginia.com/>.

- ¹⁰⁵ See Linking Systems of Care for Children and Youth in Virginia. *Pilot Sites*. Retrieved from <http://linkingsystemsofcarevirginia.com/pilotsites/>.
- ¹⁰⁶ Linking Systems of Care for Children and Youth in Virginia, personal communication, Sept. 17, 2018.
- ¹⁰⁷ Due to confidentiality and security concerns, staff has elected not to identify these programs.
- ¹⁰⁸ Due to confidentiality and security concerns, staff has elected not to identify that program.
- ¹⁰⁹ 2016 Va. Acts ch. 631.
- ¹¹⁰ Va. Code § 63.2-1508 (2018).
- ¹¹¹ *Id.*
- ¹¹² Va. Code § 63.2-1505 (2018).
- ¹¹³ Va. Code § 63.2-1506 (2018).
- ¹¹⁴ Va. Code § 18.2-346(B) (2018). Solicitation of prostitution is punished as a Class 1 misdemeanor if the victim is age 16 or older, and the penalty increases to a Class 5 felony if the victim is under the age of 16. *See also* Va. Code § 18.2-11(a) (2018). A Class 1 misdemeanor is punishable by up to twelve months in jail and a \$2,500 fine. *See also* Va. Code § 18.2-10(e) (2018). A Class 5 felony is punishable by one to ten years in prison, or up to twelve months in jail, and a maximum \$2,500 fine.
- ¹¹⁵ See Shively, M., Kliorys, K., Wheeler, K., & Hunt, D. (2012). *A national overview of prostitution and sex trafficking demand reduction efforts*. Prepared for the National Institute of Justice, Office of Justice Programs by Abt Associates Inc., Appendix I, for a Summary of John School Program Traits. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>.
- ¹¹⁶ Virginia Department of Juvenile Justice, email correspondence, Nov. 30, 2018. The data provided was as of November 27, 2018.
- ¹¹⁷ *Id.* Note that one of the complaints was missing information related to the adjudication.
- ¹¹⁸ See, e.g., Jordan, J., Patel, B., & Rapp, L. (2013). Domestic minor sex trafficking: A social work perspective on misidentification, victims, buyers, traffickers, treatment, and reform of current practice. *Journal of Human Behavior in the Social Environment*, 23, 356-369; Reid, J.A., Baglivio, M.T., Piquero, A.R., Greenwald, M.A., & Epps, N. (2017). Human trafficking of minors and childhood adversity in Florida. *American Journal of Public Health*, 107(2), 306-311; Covenant House. (2013). *Homelessness, survival sex, and human trafficking: As experienced by the youth of Covenant House New York*. Retrieved from <https://humantraffickinghotline.org/sites/default/files/Homelessness%2C%20Survival%20Sex%2C%20and%20Human%20Trafficking%20-%20Covenant%20House%20NY.pdf>; Gerassi, L. (2015). From exploitation to industry: Definitions, risks, and consequences of domestic sexual exploitation and sex work among women and girls. *Journal of Human Behavior in the Social Environment*, 25(6), 591-605.
- ¹¹⁹ Personal communication, June 13, 2018.
- ¹²⁰ See Colorado Human Trafficking Council. Retrieved from <https://sites.google.com/state.co.us/human-trafficking-council>.
- ¹²¹ See Florida Office of the Attorney General. *Statewide Council on Human Trafficking*. Retrieved from

<http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72>.

- ¹²² See Minnesota Human Trafficking Task Force. Retrieved from <http://www.mnhttf.com/>.
- ¹²³ See Ohio Human Trafficking Task Force. Retrieved from <https://humantrafficking.ohio.gov/>.
- ¹²⁴ See Texas Office of the Attorney General. (2018). *The Texas Human Trafficking Prevention Task Force*. Retrieved from <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/criminal-justice/HumanTraffickingReport-2018.pdf>.
- ¹²⁵ Governor Lawrence J. Hogan, Jr. (2018, August 9). Executive Order 01.01.2018.09. Retrieved from <https://governor.maryland.gov/wp-content/uploads/2018/10/01.01.2018.19-Statewide-Human-Trafficking-Response-Director-8.9.18.pdf>.
- ¹²⁶ Minnesota Human Trafficking Task Force. *About the Minnesota human trafficking task force*. Retrieved from <http://www.mnhttf.com/site/our-role-purpose/about/>.
- ¹²⁷ Governor's Ohio Human Trafficking Task Force Report. (Jan. 2019). *Letter from the anti-trafficking coordinator*, pp. 1. Retrieved from <https://humantrafficking.ohio.gov/OhioHumanTraffickingTaskForceReport0119.pdf>
- ¹²⁸ Walters, E. (2017, November 8). Texas has hired its first ever director of human trafficking prevention. *The Texas Tribune*. Retrieved from <https://www.texastribune.org/2017/11/08/texas-has-hired-its-first-ever-director-human-trafficking-prevention/>.
- ¹²⁹ 2019 Va. Acts ch. 381, 687.
- ¹³⁰ Va. Code § 18.2-357.1 (2018).
- ¹³¹ "The premise of the single larceny doctrine is that '[a] series of larcenous acts will be considered a single count of larceny if they 'are done pursuant to a single impulse and in execution of a general fraudulent scheme.'" *Moore v. Commonwealth*, 59 Va. App. 795, 804, 722 S.E.2d 668, 672 (2012), quoting *Acey v. Commonwealth*, 29 Va. App. 240, 247, 511 S.E.2d 429, 432 (1999) and *West v. Commonwealth*, 125 Va. 747, 754, 99 S.E. 654, 656 (1919).
- ¹³² Va. Code § 18.2-357.1(A) (2018). *See also* Va. Code § 18.2-10(e) (2018). A Class 5 felony is punishable by one to ten years in prison, or up to twelve months in jail, and a maximum \$2,500 fine.
- ¹³³ Va. Code § 18.2-357.1(B) (2018). *See also* Va. Code § 18.2-10(d) (2018). A Class 4 felony is punishable by two to ten years in prison and a maximum \$10,000 fine.
- ¹³⁴ Va. Code § 18.2-357.1(C) (2018). *See also* Va. Code § 18.2-10(e) (2018). A Class 3 felony is punishable by five to twenty years in prison and a maximum \$100,000 fine.
- ¹³⁵ 2019 Va. Acts ch. 617.
- ¹³⁶ *Id.*
- ¹³⁷ Other sections amended included Va. Code §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-513, 19.2-215.1, and 19.2-392.02 (2018).
- ¹³⁸ Legislation left in the Senate Committee on Finance is not enacted into law by the General Assembly.
- ¹³⁹ 2019 Va. Acts ch. 486, 514.
- ¹⁴⁰ 2019 Va. Acts ch. 854. Item 393(B) of the 2019 Appropriations Act. Retrieved from <https://budget.lis.virginia.gov/item/2019/1/HB1700/Chapter/1/393/>. *See also* the fiscal impact statements for Senate Bill 1669 (<http://lis.virginia.gov/cgi->

[bin/legp604.exe?191+oth+SB1669FER122+PDF](#)) and House Bill 2576 (<https://lis.virginia.gov/cgi-bin/legp604.exe?191+oth+HB2576FER122+PDF>).

- ¹⁴¹ Va. Code § 19.2-368.4(B) (2018).
- ¹⁴² Virginia Victims Fund, personal communication, Sept. 19, 2018, and email correspondence, Dec. 11, 2018.
- ¹⁴³ Virginia Victims Fund, email correspondence, Dec. 14, 2018.
- ¹⁴⁴ See Recommendation 6 describing funding from the Criminal Injuries Compensation Fund (Virginia Victims Fund). See also Recommendation 10 detailing Victims of Crime Act funding.
- ¹⁴⁵ 2019 Va. Acts ch. 728.
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- ¹⁵⁰ Va. Code § 16.1-260(B) (2018).
- ¹⁵¹ Va. Code § 16.1-278.8(A)(4) (2018).
- ¹⁵² See Marsh, E., Anthony, B., Emerson, J., & Mogulescu, K. (2019). *State report cards – Grading criminal record relief laws for survivors of human trafficking*. Polaris, American Bar Association Commission on Domestic & Sexual Violence, Brooklyn Law School, and University of Baltimore School of Law. Retrieved from <https://polarisproject.org/sites/default/files/Grading%20Criminal%20Record%20Relief%20Laws%20for%20Survivors%20of%20Human%20Trafficking.pdf>.
- ¹⁵³ See Va. Code § 19.2-392.2(A) (2018).
- ¹⁵⁴ Va. Code § 19.2-305.1(H) (2018).
- ¹⁵⁵ Personal communication, August 8, 2018.